

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PAUL MOORE,

Plaintiff,

v.

JEFFERIES & CO., INC.,

Defendant.

Civil Action No. 08 CV 3

**Judge Blanche M. Manning
Magistrate Judge Maria Valdez**

**JEFFERIES & COMPANY, INC.'S MOTION
FOR LEAVE TO FILE AN AMENDED ANSWER**

Defendant Jefferies & Company, Inc. ("Jefferies"), by its counsel and pursuant to Federal Rule of Civil Procedure 15(a), respectfully moves this Court for leave to file its First Amended Answer. In support of its motion, Jefferies states as follows:

1. Jefferies answered Plaintiffs' complaint in this action on June 9, 2008.
2. Jefferies now seeks leave to amend its answer. Jefferies' proposed First Amended Answer is attached as Exhibit A. It is identical to the answer Jefferies filed on June 9, 2008, but adds a new affirmative defense based on the statute of frauds.
3. The deadline for amending pleadings, which was agreed upon by the parties and entered by the Court, has not yet expired.
4. Discovery in this matter is ongoing, and no depositions have been taken. Plaintiff should therefore suffer no prejudice if Jefferies is permitted to amend its complaint at this early stage of the litigation.

5. Under Federal Rule of Civil Procedure 15(a), the Court “should freely give leave [to amend an answer] when justice so requires.”

WHEREFORE, Jefferies respectfully requests that this Court grant it leave to file its amended answer, attached hereto as Exhibit A.

Dated: August 8, 2008

Respectfully submitted,

/s/ James R. Daly

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Attorneys for Defendant Jefferies & Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2008, I electronically filed the foregoing **Jefferies & Company, Inc.'s Motion for Leave to File an Amended Answer** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following at their e-mail address on file with the Court:

Bruce S. Sperling
Greg Shinall
Matthew Slater
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This 8th day of August, 2008.

/s/ Nicole C. Henning
Nicole C. Henning